

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00046-MR-DLH**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
MICHAEL RAY MILLS,)	
)	
Defendant.)	
<hr style="width:45%; margin-left:0"/>)	

THIS MATTER is before the Court *sua sponte*.

On June 2, 2015, the Defendant was charged in a Bill of Indictment with possession of a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). [Doc. 1]. The Defendant's initial appearance was held on June 5, 2015, at which time counsel was appointed. The Defendant's arraignment was held on June 10, 2015, at which time this case was placed on the June 15, 2015 calendar for trial.

The Court finds that this case should be continued. "Unless the defendant consents in writing to the contrary, the trial shall not commence less than thirty days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se."

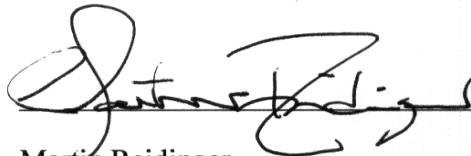
18 U.S.C. § 3161(c)(2). The Defendant here has not so consented, and thus, his trial may not start less than thirty days from his appearance with counsel.

Further, if this case were not continued, the Court finds that counsel would be denied “the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interest of the public and the Defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

IT IS, THEREFORE, ORDERED that the above-captioned case is **CONTINUED** from the June 15, 2015 term in the Asheville Division.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

